

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                                     |   |                          |
|-------------------------------------|---|--------------------------|
| Howard Thompson, III, #200503217,   | ) |                          |
|                                     | ) | C/A No. 3:06-1157-MBS    |
| Plaintiff,                          | ) |                          |
|                                     | ) |                          |
| vs.                                 | ) |                          |
|                                     | ) | <b>OPINION AND ORDER</b> |
| Joey Preston, County Administrator; | ) |                          |
| Robert Daly, ACDC Director; Nurse   | ) |                          |
| Freeman, ACDC Nurse; and Capt.      | ) |                          |
| Arlette Jones (Med. Director),      | ) |                          |
|                                     | ) |                          |
| Defendants.                         | ) |                          |
|                                     | ) |                          |

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Plaintiff Howard Thompson is a pretrial detainee who currently is housed at the Anderson County Detention Center in Anderson, South Carolina. On April 18, 2006, Plaintiff, proceeding pro se, filed a complaint alleging that he had been denied proper medical care after he fell getting out of a shower. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, asserting that he doesn't "want money. This is not a money matter. All I want is better health care." Complaint, p. 5 (Entry 1).

This matter is before the court on motion to dismiss filed by Defendants on May 22, 2006. See Fed. R. Civ. P. 12(b)(b). Defendants assert that Plaintiff has failed to state a claim for which relief may be granted because (1) Plaintiff has failed to exhaust his administrative remedies; (2) there are no allegations to support a claim of deliberate indifference; (3) there are no allegations to support a finding that Plaintiff suffered serious or significant physical or mental injury; and (4) the complaint failed to allege specific facts attributable to the named Defendants. On May 24, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the dismissal procedures and the possible consequences if he failed to respond adequately. Plaintiff filed a response to the motion to dismiss on June 26, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On January 31, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants' motion to dismiss be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the motion to dismiss is **granted**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour

United States District Judge

Columbia, South Carolina  
March 1, 2007

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.